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IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTIETH LEGISLATURE

SEVENTY-THIRD LEGISLATIVE DAY
WEDNESDAY, MARCH 24, 2010

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Lodge, McGee, Pearce, Schroeder, and Siddoway, absent and excused; and Senator McKague, absent and formally excused by the Chair.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Evan Lantzy, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 23, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Lodge, Pearce, and Schroeder were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 24, 2010

The JUDICIARY AND RULES Committee reports that [S 1428](#), [S 1429](#), [S 1430](#), [S 1431](#), [S 1432](#), [S 1433](#), [S 1434](#), [S 1435](#), [SCR 125](#), and [SCR 126](#) have been correctly printed.

DARRINGTON, Chairman

[S 1428](#), [S 1429](#), [S 1430](#), [S 1431](#), [S 1432](#), [S 1433](#), [S 1434](#), and [S 1435](#) were referred to the Finance Committee.

[SCR 125](#) and [SCR 126](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 23, 2010

The JUDICIARY AND RULES Committee reports that [S 1305](#), as amended, [S 1330](#), as amended, [S 1359](#), and [S 1378](#), as amended, have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1305](#), as amended, [S 1330](#), as amended, [S 1359](#), and [S 1378](#), as amended, and ordered them transmitted to the House for the signature of the Speaker.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 23, 2010

Dear Mr. President:

I transmit herewith [H 694](#), [H 695](#), [H 696](#), and [H 681](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 694](#), [H 695](#), [H 696](#), and [H 681](#) were filed for first reading.

March 23, 2010

Dear Mr. President:

I return herewith [S 1410](#), [S 1409](#), [S 1365](#), as amended, [S 1327](#), [S 1357](#), [S 1375](#), as amended, [S 1345](#), as amended, [SCR 119](#), [SCR 120](#), [SCR 115](#), and [SCR 113](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1410](#), [S 1409](#), [S 1365](#), as amended, [S 1327](#), [S 1357](#), [S 1375](#), as amended, [S 1345](#), as amended, [SCR 119](#), [SCR 120](#), [SCR 115](#), and [SCR 113](#) were referred to the Judiciary and Rules Committee for enrolling.

March 23, 2010

Dear Mr. President:

I transmit herewith Enrolled [HCR 61](#) and [H 400](#), as amended in the Senate, for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 61](#) and [H 400](#), as amended in the Senate, and ordered them returned to the House.

Senator McGee was recorded present at this order of business.

March 23, 2010

Dear Mr. President:

I return herewith [S 1354](#), as amended in the House, which has passed the House.

ALEXANDER, Chief Clerk

On request by Senator Davis, granted by unanimous consent, [S 1354](#), as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

March 23, 2010

Dear Mr. President:

I return herewith [S 1376](#), as amended in the House, which has passed the House.

ALEXANDER, Chief Clerk

On request by President Pro Tempore Geddes, granted by unanimous consent, [S 1376](#), as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

Senator Pearce was recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Ford Elsaesser was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Acting Senator Kerby, seconded by Senator Bock, the Gubernatorial appointment of Ford Elsaesser as a member of the Lake Pend Oreille Basin Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Marc Brinkmeyer was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Acting Senator Kerby, seconded by Senator LeFavour, the Gubernatorial appointment of Marc Brinkmeyer as a member of the Lake Pend Oreille Basin Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Linda Mitchell was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Broadsword, seconded by Senator Kelly, the Gubernatorial appointment of Linda Mitchell as a member of the Lake Pend Oreille Basin Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Education Committee report relative to the Gubernatorial appointment of Roderic W. Lewis was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Winder, seconded by Senator Fulcher, the Gubernatorial appointment of Roderic W. Lewis as a member of the State Board of Education was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the

Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that [HCR 59](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator LeFavour, seconded by Senator Davis, [HCR 59](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that the House amendments to [S 1354](#), as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to [S 1354](#), as amended in the House?"

On request by Senator Pearce, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to [S 1354](#), as amended in the House.

[S 1354](#), as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The President announced that the House amendments to [S 1376](#), as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to [S 1376](#), as amended in the House?"

On request by President Pro Tempore Geddes, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to [S 1376](#), as amended in the House.

[S 1376](#), as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1436

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE AMERICAN LUNG ASSOCIATION FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE COMMISSION ON HISPANIC AFFAIRS FOR FISCAL YEAR 2010; APPROPRIATING MONEYS FROM THE IDAHO MILLENNIUM INCOME FUND AND DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FOR THE PURPOSES AND PROGRAMS SPECIFIED FOR FISCAL YEAR 2011; APPROPRIATING MONEYS FROM THE IDAHO MILLENNIUM INCOME FUND TO THE STATE TREASURER FOR THE PURPOSES AND PROGRAMS SPECIFIED FOR FISCAL YEAR 2011; DIRECTING A TRANSFER FROM THE IDAHO MILLENNIUM INCOME FUND TO THE IDAHO MILLENNIUM FUND; PROVIDING THAT CERTAIN UNEXPENDED AND UNENCUMBERED MONEYS SHALL BE REVERTED TO THE IDAHO MILLENNIUM INCOME FUND; AND DECLARING AN EMERGENCY.

S 1437

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE COMMISSION ON

THE ARTS FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

S 1438
BY FINANCE COMMITTEE
AN ACT

REDUCING THE APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO AND THE STATE BOARD OF EDUCATION FOR HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO AND THE STATE BOARD OF EDUCATION FOR HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO AND THE STATE BOARD OF EDUCATION FOR HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR THE SEVERAL DESIGNATED PROGRAMS; EXEMPTING THE BOARD FROM CERTAIN APPROPRIATION TRANSFER LIMITATIONS; PROVIDING LEGISLATIVE INTENT REGARDING HEALTH EDUCATION STUDENT SEATS; AND DECLARING AN EMERGENCY.

S 1439
BY FINANCE COMMITTEE
AN ACT

APPROPRIATING MONEYS TO THE STATE LIQUOR DIVISION FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED FUND BALANCES; AND AMENDING SECTION 4, CHAPTER 323, LAWS OF 2009, TO REVISE A CERTAIN DATE.

S 1440
BY FINANCE COMMITTEE
AN ACT

REDUCING THE APPROPRIATION TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2010; APPROPRIATING MONEYS FOR ADMINISTRATION OF THE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES PROGRAM FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

S 1441
BY FINANCE COMMITTEE
AN ACT

REDUCING THE APPROPRIATION TO THE HUMAN RIGHTS COMMISSION FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE HUMAN RIGHTS COMMISSION FOR FISCAL YEAR 2010; AND DECLARING AN EMERGENCY.

S 1442
BY FINANCE COMMITTEE
AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE CATASTROPHIC HEALTH CARE FUND FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE CATASTROPHIC HEALTH CARE FUND FOR FISCAL YEAR 2011; AND DECLARING AN EMERGENCY.

S 1443
BY FINANCE COMMITTEE
AN ACT

REDUCING THE GENERAL FUND APPROPRIATION AND TRANSFER TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2010; REDUCING THE STATE INDEPENDENT LIVING COUNCIL (GENERAL) FUND APPROPRIATION TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2010; APPROPRIATING MONEYS AND DIRECTING A TRANSFER TO THE STATE INDEPENDENT LIVING COUNCIL (GENERAL) FUND FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2011; AND DECLARING AN EMERGENCY.

[S 1436](#), [S 1437](#), [S 1438](#), [S 1439](#), [S 1440](#), [S 1441](#), [S 1442](#), and [S 1443](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 694](#), [H 695](#), and [H 696](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 681](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

Senator McKague was recorded present at this order of business.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 636](#) and [H 662](#), by Education Committee, were read the second time at length and filed for third reading.

[S 1422](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 677](#), [H 678](#), and [H 679](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[H 657](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[H 656](#), by Ways and Means Committee, was read the second time at length and filed for third reading, Consent Calendar.

[H 683](#), [H 685](#), [H 689](#), and [H 690](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[H 503](#), by Business Committee, was read the second time at length and filed for third reading.

[H 646](#), as amended, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[H 586](#), as amended, by Business Committee, was read the second time at length and filed for third reading.

[H 609](#), by Ways and Means Committee, was read the second time at length and filed for third reading.

[H 598](#), as amended in the Senate, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1419](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Winder. Total - 26.

NAYS—Bilyeu, Bock, Kelly, LeFavour, Malepeai, Schroeder, Stegner, Stennett (Stennett), Werk. Total - 9.

Total - 35.

Whereupon the President declared [S 1419](#) passed, title was approved, and the bill ordered transmitted to the House.

President Little called Senator Kelly to the Chair.

[S 1420](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stennett (Stennett), Winder. Total - 32.

NAYS—Schroeder, Stegner, Werk. Total - 3.

Total - 35.

Whereupon the Acting President declared [S 1420](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1423](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Kerby arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the Acting President declared [S 1423](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1424](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Kerby arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the Acting President declared [S 1424](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1426](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the Acting President declared [S 1426](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1427](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Kerby (Keough), Lodge, Malepeai, McGee, McKague, McKenzie, Smyser, Stennett (Stennett), Werk, Winder. Total - 25.

NAYS—Bair, Fulcher, Hill, LeFavour, Mortimer, Pearce, Schroeder, Siddoway, Stegner. Total - 9.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the Acting President declared [S 1427](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 576](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk. Total - 33.

NAYS–None.

Absent and excused–Andreason, Winder. Total - 2.

Total - 35.

Whereupon the Acting President declared [H 576](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

[H 509](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk. Total - 32.

NAYS–None.

Absent and excused–Andreason, Hill, Winder. Total - 3.

Total - 35.

Whereupon the Acting President declared [H 509](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

On motion by Senator Davis, seconded by Senator Kelly, by voice vote the Senate recessed at 12:05 p.m. until the hour of 3 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senator Andreason, absent and formally excused by the Chair.

Prior to recess the Senate was at the Fifth Order of Business, Petitions, Resolutions, and Memorials.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 24, 2010

The JUDICIARY AND RULES Committee reports out [S 1341](#), as amended in the House, with the recommendation that the Senate not concur in the House amendments.

DARRINGTON, Chairman

[S 1341](#), as amended in the House, and the committee report were referred to the Tenth Order of Business, Motions and Resolutions.

March 24, 2010

The JUDICIARY AND RULES Committee reports out [H 687](#) with the recommendation that it do pass.

DARRINGTON, Chairman

[H 687](#) was filed for second reading.

March 24, 2010

The JUDICIARY AND RULES Committee reports that [S 1354](#), as amended in the House, and [S 1376](#), as amended in the House, have been correctly engrossed.

DARRINGTON, Chairman

[S 1354](#), as amended in the House, and [S 1376](#), as amended in the House, were filed for first reading.

March 24, 2010

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1354](#) and [S 1376](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 24, 2010

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

John Ewing to the State Building Authority, term to expire January 1, 2014.

MCKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 24, 2010

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Andrea Wassner to the Idaho Commission on Human Rights, term to expire July 1, 2012.

MCKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 24, 2010

The STATE AFFAIRS Committee reports out [H 426](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[H 426](#) was filed for second reading.

March 24, 2010

The STATE AFFAIRS Committee reports out [H 589](#) and [H 614](#) with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, [H 589](#) and [H 614](#) were referred to the Fourteenth Order of Business, General Calendar.

March 24, 2010

The STATE AFFAIRS Committee reports out [H 433](#), as amended, without recommendation.

MCKENZIE, Chairman

[H 433](#), as amended, was filed for second reading.

March 24, 2010

The STATE AFFAIRS Committee reports out [H 566](#), [H 652](#), [H 673](#), [H 674](#), and [H 680](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 566](#), [H 652](#), [H 673](#), [H 674](#), and [H 680](#) were filed for second reading.

March 24, 2010

The STATE AFFAIRS Committee reports out [HCR 44](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[HCR 44](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 24, 2010

The FINANCE Committee reports out [H 694](#), [H 695](#), and [H 696](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 694](#), [H 695](#), and [H 696](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 24, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1392](#), [S 1329](#), [S 1247](#), [S 1396](#), [S 1395](#),
[S 1394](#), [S 1393](#), [S 1367](#), [S 1315](#), [S 1299](#), and
[S 1252](#), as amended

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 24, 2010

Dear Mr. President:

I transmit herewith [H 697](#), [H 698](#), [H 699](#), [H 700](#), [H 686](#), [H 682](#), [H 590](#), [H 688](#), and [HJM 14](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 697](#), [H 698](#), [H 699](#), [H 700](#), [H 686](#), [H 682](#), [H 590](#), [H 688](#), and [HJM 14](#) were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that [S 1341](#), as amended in the House, and the Judiciary and Rules Committee report recommending that the Senate not concur in the House amendments, were now before the Senate for final consideration.

Moved by Senator Darrington, seconded by Senator Broadsword, that the Judiciary and Rules Committee report be adopted. The question being, "Shall the motion prevail?"

The President announced that by voice vote the motion did prevail, the Senate did not concur in the House amendments, and [S 1341](#), as amended in the House, was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[S 1354](#), as amended in the House, and [S 1376](#), as amended in the House, by State Affairs Committee, were read the first time at length and filed for second reading.

[H 697](#) and [H 698](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 699](#) and [H 700](#), by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

[H 686](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 682](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 590](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 688](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Education Committee.

[HJM 14](#), by Education Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 534, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Heinrich, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 28.

NAYS—Broadsword, Goedde, Hammond, Hill, Jorgenson, McGee. Total - 6.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared **H 534**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 459 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared **H 459** passed, title was approved, and the bill ordered returned to the House.

H 602, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared **H 602**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 398 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared **H 398** passed, title was approved, and the bill ordered returned to the House.

H 438 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared **H 438** passed, title was approved, and the bill ordered returned to the House.

H 542 was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Kerby arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared **H 542** passed, title was approved, and the bill ordered returned to the House.

H 574 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 574](#) passed, title was approved, and the bill ordered returned to the House.

[H 425](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 425](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, [H 596](#), as amended, retained its place on the Third Reading Calendar.

[H 608](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKague arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 608](#), as amended, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, [H 596](#), as amended, was placed before the Senate for final consideration at this time.

[H 596](#), as amended, having been held, was read the third time at length, section by section, and placed before the Senate for final

consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 596](#), as amended, passed, title was approved, and the bill ordered returned to the House.

President Little called President Pro Tempore Geddes to the Chair.

[H 496](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Winder. Total - 27.

NAYS—Bilyeu, Bock, Kelly, LeFavour, Malepeai, Werk. Total - 6.

Absent and excused—Andreason, Stennett (Stennett). Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 496](#) passed, title was approved, and the bill ordered returned to the House.

[H 555](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [H 555](#) passed, title was approved, and the bill ordered returned to the House.

President Little returned to the Chair.

[H 603](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Davis, granted by unanimous consent, the Fiscal Impact for [H 603](#) was revised.

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 603](#) passed, title was approved, and the bill ordered returned to the House.

[H 543](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 543](#) passed, title was approved, and the bill ordered returned to the House.

[H 550](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 550](#) passed, title was approved, and the bill ordered returned to the House.

[H 554](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 554](#) passed, title was approved, and the bill ordered returned to the House.

[H 593](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 593](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 613](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 613](#) passed, title was approved, and the bill ordered returned to the House.

[H 531](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes and Senator Schroeder arose as

co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Winder. Total - 30.

NAYS—Kelly, LeFavour, Werk. Total - 3.

Absent and excused—Andreason, Stennett (Stennett). Total - 2.

Total - 35.

Whereupon the President declared [H 531](#), as amended, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 598](#), as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 598](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 598](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 6:18 p.m. until the hour of 10 a.m., Thursday, March 25, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary